

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Mark A. Nelson
Debtor(s)

Bankruptcy Case No.: 19-22510-CMB
Issued Per Aug. 19, 2019 Proceeding
Chapter: 13
Docket No.: 33 - 22
Concil. Conf.: January 9, 2020 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 16, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,377 as of September 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 9, 2020 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Municipality of Penn Hills sewage at Claim No. 2; Penn Hills School District and Municipality of Penn Hills real estate at Claim No. 5 .
- ☒ H. Additional Terms: Attorney fees are based on a retainer of \$890 (\$310 was a no-look cost for filing fee).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: August 23, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Mark A. Nelson
 Debtor

Case No. 19-22510-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: Aug 23, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 25, 2019.

db +Mark A. Nelson, 241 Shenandoah Drive, Pittsburgh, PA 15235-2053
 cr +Penn Hills School District and Municipality of Pen, Tax Division,
 c/o Maiello, Brungo & Maiello, LLP, Foxpointe II, 100 Purity Rd, Ste. 3,
 Pittsburgh, PA 15235-4441
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 15075853 Kimberly J. Hong, Esquire, Manley Deas Kochalski, LLC, 2601 Koppers Bldg.</br>436 7th Ave,
 Pittsburgh, Pennsylvania 15219
 15075854 +Maiello Brungo & Maiello, 100 Purity Road, Suite 3, Pittsburgh, Pennsylvania 15235-4441
 15075855 #+Marc D. Daffner, Esquire, Daffner & Associates, P.C., Allegheny Building,
 429 Forbes Avenue, Suite 610, Pittsburgh, Pennsylvania 15219-1604
 15075857 Municipality of Penn Hills, Portnoff Law Associates, Ltd., P.O. Box 3020,
 Norristown, Pennsylvania 19404-3020
 15100321 +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,
 Norristown, PA 19404-3020
 15075858 +Oakmont Water Authority, P.O. Box 73, Oakmont, Pennsylvania 15139-0073
 15075859 +Penn Hills School District and Municipal, Maiello Brungo & Maiello, LLP,
 100 Purity Road, Suite 3, Pittsburgh, Pennsylvania 15235-4441
 15075860 Peoples, P.O. Box 644760, Pittsburgh, Pennsylvania 15264-4760
 15107239 +Peoples Natural Gas Company LLC, c/o S. James Wallace, PC, 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 15075861 Portfolio Recovery Associates, LLC, P.O. Box 3020, Norristown, Pennsylvania 19404-3020
 15075862 +Rosenthal, Morgan and Thomas, Inc., 12747 Olive Blvd., Ste 250, St. Louis, MO 63141-6278
 15075864 UPMC Health Services, P.O. Box 371472, Pittsburgh, Pennsylvania 15250-7472
 15075865 UPMC Physician Services, P.O. Box 371980, Pittsburgh, Pennsylvania 15250-7980
 15105377 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 15075866 UPMC Presbyterian Shadyside, P.O. Box 382059, Pittsburgh, Pennsylvania 15250-8059
 15075867 UPMC St. Margaret, P.O. Box 382059, Pittsburgh, Pennsylvania 15250-8059
 15075868 Wells Fargo Bank, N.A., 1000 Blue Gentian Road, Eagen, Minnesota 55121-7700

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Aug 24 2019 02:23:51
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr +E-mail/Text: kbarkley@bernsteinlaw.com Aug 24 2019 02:21:10 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15075847 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 24 2019 02:37:02 American InfoSource, LP,
 P.O. Box 248838, Oklahoma City, Oklahoma 73124-8838
 15075848 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Aug 24 2019 02:24:11 Ascension Capital Group,
 P.O. Box 201347, Arlington, Texas 76006-1347
 15095744 +E-mail/Text: bnc@atlasacq.com Aug 24 2019 02:20:07 Atlas Acquisitions LLC, 294 Union St.,
 Hackensack, NJ 07601-4303
 15075849 +E-mail/Text: bnc@atlasacq.com Aug 24 2019 02:20:07 Atlas Acquisitions, LLC,
 294 Union Street, Hackensack, New Jersey 07601-4303
 15075850 E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Aug 24 2019 02:23:53
 Capital One Auto Finance, P.O. Box 60511, City of Industry, California 91716-0511
 15075851 +E-mail/Text: bankruptcy_notifications@ccsusa.com Aug 24 2019 02:21:17
 Credit Collection Services, 725 Canton Street, Norwood, Massachusetts 02062-2679
 15075852 +E-mail/Text: kbarkley@bernsteinlaw.com Aug 24 2019 02:21:10 Duquesne Light Company,
 411 7th Ave., Pittsburgh, Pennsylvania 15219-1942
 15103035 E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 24 2019 02:20:52 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15075856 E-mail/Text: bankruptcydpt@mcmcg.com Aug 24 2019 02:20:40 Midland Credit Management, Inc.,
 P.O. Box 13105, Roanoke, VA 24031-3105
 15105340 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 24 2019 02:20:40 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 15100322 +E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 24 2019 02:20:52 Premier Bankcard, Llc,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 15075863 E-mail/Text: appebnmailbox@sprint.com Aug 24 2019 02:20:37 Sprint, 6200 Sprint Parkway,
 Overland Park, Kansas 66251
 15105401 E-mail/Text: appebnmailbox@sprint.com Aug 24 2019 02:20:37 Sprint Corp,
 Attention Bankruptcy, PO Box 7949, Overland Park, KS 662070949

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Wells Fargo Bank, National Association, Et Al...
 cr* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
 cr* +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,
 Norristown, PA 19404-3020
 15098173* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303

TOTALS: 1, * 3, ## 0

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User: jhel
Form ID: 149

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Total Noticed: 35

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 25, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 23, 2019 at the address(es) listed below:

Francis E. Corbett on behalf of Debtor Mark A. Nelson fcorbett@fcorbettlaw.com,
fcorbett7@gmail.com
James Warmbrodt on behalf of Creditor Wells Fargo Bank, National Association, Et Al...
bkgroup@kmlawgroup.com
James R. Wood on behalf of Creditor Municipality of Penn Hills jwood@portnoffonline.com,
jwood@ecf.inforuptcy.com
Jennifer L. Cerce on behalf of Creditor Penn Hills School District and Municipality of Penn
Hills jlc@mbm-law.net
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 8